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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,981	08/21/2003	Bernd Sundermann	029310.52539US	6366
23911	7590	03/31/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			AULAKH, CHARANJIT	
			ART UNIT	PAPER NUMBER
			1625	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,981

Applicant(s)

SUNDERMANN ET AL.

Examiner

Charanjit S. Aulakh

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-36 are pending in the application.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-36, drawn to compounds of formula I where R2 represents alkyl, cycloalkyl or an aryl, both R3 and R4 together as well as both R5 and R6 together do not form a ring and A represents heteroaryl group, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 548, subclass 100.
- II. Claims 1-36, drawn to compounds of formula I where R2 represents alkyl, cycloalkyl or an aryl, both R3 and R4 together as well as both R5 and R6 together do not form a ring and A does not represent heteroaryl group, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 564, subclass 463.
- III. Claims 1-36, drawn to compounds of formula I where R2 represents heterocyclyl or -(C1-6 alkyl)-heterocyclyl group, both R3 and R4 together as well as both R5 and R6 together do not form a ring, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 549, subclass 13.
- IV. Claims 1-36, drawn to compounds of formula I where R1 and R2 together are -(CH2)m-, both R3 and R4 together as well as both R5 and R6 together do not form a ring, pharmaceutical compositions containing these

compounds and a method of using these compounds, classified in class 564, subclass 305.

V. Claims 1-36, drawn to compounds of formula I where R1 and R2 together do not form a ring and R3 and R4 together are $-(CH_2)_n$, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 540, subclass 450.

VI. Claims 1-36, drawn to compounds of formula I where R1 and R2 together do form a ring and R3 and R4 together are $-(CH_2)_n$, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 546, subclass 192.

VII. Claims 1-36, drawn to compounds of formula I where R1 and R2 together do not form a ring and R3 and R4 together are $-(CH_2)_2-X-(CH_2)_2-$, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 544, subclass 56.

VIII. Claims 1-36, drawn to compounds of formula I where R1 and R2 together do form a ring and R3 and R4 together are $-(CH_2)_2-X-(CH_2)_2-$, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 544, subclass 336.

- IX. Claims 1-36, drawn to compounds of formula I where R1 and R2 together do not form a ring and R5 and R6 together are $-(CH_2)_o$, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 546, subclass 184.
- X. Claims 1-36, drawn to compounds of formula I where R1 and R2 together do form a ring and R5 and R6 together are $-(CH_2)_o$, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 540, subclass 484.
- XI. Claims 1-36, drawn to compounds of formula I where R1 and R2 together do not form a ring and R5 and R6 together are $-(CH_2)_2-Y-(CH_2)_2-$, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 544, subclass 106.
- XII. Claims 1-36, drawn to compounds of formula I where R1 and R2 together do form a ring and R5 and R6 together are $-(CH_2)_2-Y-(CH_2)_2-$, pharmaceutical compositions containing these compounds and a method of using these compounds, classified in class 544, subclass 358.
3. The inventions I through XII as defined above are patentably distinct, each from the other since they are structurally so divergent that a reference showing compounds of invention I would not render compounds of inventions II through XII prima facie obvious.

Search required for e.g ; compounds of invention I in class 548, subclass 100 is not the same search required for e.g ; compounds of invention II in class 564, subclass 463 and therefore, constitutes a burdensome search.

4. A telephone call was made to the applicant's attorney, Mr. J.D. Evans on Feb. 10, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). The applicants are also requested to elect a specific species (defining all variables in formula I) within the elected group for initial search purposes.

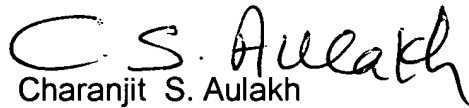
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charanjit S. Aulakh
Primary Examiner
Art Unit 1625